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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/409,305
Filing Date: September 29, 1999
Appellant(s): ULLMAN ET AL.

Mark V. Muller (Reg. No. 37,509)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/16/2009 appealing from the Office action mailed 10/31/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Appeal Number 2008002727 (application number 09/461,808, now abandoned) features the same inventors, assignee, and claims to similar subject matter. The Rangan reference was used to reject both the claims in the present application and the '808 application.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

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6,006,265	RANGAN et al.	12-1999
5,784,560	KINGDON	7-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 149-183 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,006,265 to Rangan et al. in view of U.S. Patent Number 5,784,560 to Kingdon et al.

As to claim 149, Rangan teaches a method for compiling and maintaining information for use in routing and transmitting content to a machine via a network by specifying particular fields within a computer-readable medium, the method comprising the steps of: receiving user activity information for updating a user profile (col. 28, lines 9-60); specifying in the medium user profile information for determining a uniform resource identifier for identifying content to transmit to the machine and an identification of the machine (col. 8, line 63-col. 9, line 21); wherein the content is selected based on the user profile and is used to enhance an audio video program (col. 8, line 63-col. 9, line 21); however Ragan does not explicitly teach inheriting user profile attributes into the user profile from a group of which the user is member and storing the user profile information in a hierarchical attribute value-pair data structure. Rangan does teach a user being member of a larger group (col. 11, lines 4-17, each SUV is part of a neighborhood).

Kingdon teaches a method of inheriting user profile attributes into the user profile from a group of which the user is member (col. 6, lines 7-33); and storing the user profile information in a hierarchical attribute value-pair data structure (col. 6, lines 7-33).

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It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the applicant's invention to combine the teachings of Rangan regarding the distribution of user specific content with the teachings of Kingdon regarding a user inheriting attributes from a group because Kingdon provides a specific implementation for the broad concept touched (in the form of neighborhoods) in Rangan. Combining the teachings of inheritance taught by Kingdon with the neighborhood example of Rangan would produce a predictable result.

As to claim 150, Rangan teaches the content comprising an executable object (col. 11, lines 60-62).

As to claim 151, Rangan teaches a method comprising specifying in the data structure information identifying preferences of the user (col. 6, lines 59-67).

As to claim 152, Rangan teaches a method of dynamically changing profile information in the hierarchical structure based upon updated information (col. 25, lines 47-61).

As to claim 153, Rangan teaches querying the user in order to obtain user profile information (col. 10, line 62-col. 11, line 19, the collected responses).

As to claim 154, Rangan teaches a method of transmitting content to the machine for a particular service based upon user profile information (col. 10, lines 62-col. 11, line 19).

As to claim 155, Rangan teaches dynamically updated user profile information (col. 25, lines 47-61).

As to claim 156, Rangan teaches specifying the user profile information for use in selecting at least one of the following to transmit to the machine: information available via a URL, video content, audio content, multimedia content, a particular video stream, or an executable object (figures 3-5).

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As to claim 157, Rangan teaches a method comprising specifying the address of one or more devices selected from the group consisting of a personal computer, a television, a cable box, a satellite box, video game console and PDA (the client devices are clearly personal computers).

As to claims 158-183, their limitations are rejected for the same reasoning as those presented in the rejection of claims 149-157.

(10) Response to Argument

Response to Argument Section A

The Examiner does not feel that the case law citations made by the Appellant are relevant because they deal with references that teach away from the claimed invention. The rejections of the Appellant's claims do not feature prior art that teaches away from the applicant's invention.

Response to Argument Section B

Before addressing the Appellant's argument specifically, it is important to analyze disclosure supporting the Appellant's claimed invention. The Appellant cites page 28, lines 4-6 and Figure 10, tables 202, 206, and 208 as supporting the claimed concept of inheritance (see summary section of Appeal Brief). Page 28, lines 4-6 read: *"This provides a way to identify a group of users for a chat service. Also, by sharing the donut a user need not enter a new profile for using different services; the services share and use the one donut."*

It is important to keep in mind this minimal definition when determining whether the Appellant's claims are patentable over the prior art. Rangan is relied upon to teach all of the

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Appellant's claim limitations except for the explicit disclosure of the concept of inheritance. The Appellant does not dispute any of the teachings in Rangan that are explicitly relied upon in the rejection. Rather the Appellant argues that the specific details of Rangan and Kingdon render them inoperable together. The Appellant's reasoning completely ignores the context in which the rejection is made.

Instead of explicitly teaching inheritance, Rangan discusses how an advertisement can be picked based on attributes associated with a larger group (col. 11, lines 4-17). Kingdon is only relied upon to show that attributes taken from a larger group are considered it to be inherited. It is in the broad context of inheritance that Kingdon should be considered with respect to Rangan. The specific details of Kingdon are not relied upon in the rejection, but instead the explicit concept of inheritance that Kingdon shows is relied upon in the rejection. One of ordinary skill in the art (a computer scientist) would clearly recognize that the teachings relied upon in the rejection could be used together because inheritance is a basic concept in object oriented programming techniques. It would be readily apparent to anyone of ordinary skill in the art how to implement inheritance in the broad context of the applicant's invention.

Response to Argument Section C

The appellant does not present any specific arguments as to the validity of the rejection. The appellant has not pointed to any specific claim limitations in the claims in question nor were any brought up during the prosecution of the application. The specific elements in question are now addressed explicitly as part of this Examiner's Answer.

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Response to Argument Section D

The appellant has ignored the specific points brought up in this Examiner's Answer and previous office letters (The Advisory Action mailed 12/30/2008, the Final Rejection mailed 10/31/2008) about how the appellant is taking the rejection out of context. The Rejection of the pending claims should be maintained for the reasons explained in this Examiner's Answer and the outstanding 35 USC section 103 rejection.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Douglas B Blair/

Primary Examiner, Art Unit 2442

Conferees:

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2442

/David E. England/
Primary Examiner, Art Unit 2443